

THE STATE OF NEW HAMPSHIRE

SUPREME COURT

In Case No. 2004-0531, State of New Hampshire v. Jon Wolfgram, the court on October 18, 2005, issued the following order:

Following a bench trial, the defendant, Jon Wolfgram, was found guilty of operating a motor vehicle with a suspended registration. See RSA 261:178 (2004). On appeal, he contests the sufficiency of the evidence and also contends that the trial court erred in denying his request for a continuance. We affirm.

We will not reverse a conviction unless we find, after reviewing the evidence in the light most favorable to the State, that no rational trier of fact could have found guilt beyond a reasonable doubt. State v. Wiggin, 151 N.H. 305, 308 (2004). RSA 261:178 provides:

The director, upon evidence satisfactory to him that the owner of a vehicle is permitting or has permitted the same to be driven in violation of any of the provisions of this title, or has made any false statement in the application for registration, may suspend the registration of such vehicle until he is satisfied that the offense will not be repeated or the owner has been acquitted, and any person who shall drive or permit to be driven a vehicle owned or controlled by him upon any way after his registration has been suspended or revoked shall be guilty of a misdemeanor.

The defendant argues that the vehicle was registered to both him and JAW Contracting, LLC, and that because the State produced no evidence that the registration of JAW Contracting, LLC was suspended on the date of his arrest, the State failed to prove that he had violated RSA 261:178.

The issue before us is one of statutory interpretation, an issue of law which we review *de novo*. Adams v. Woodlands of Nashua, 151 N.H. 640, 641 (2005). RSA 261:178 authorizes the director of motor vehicles to suspend the registration of a vehicle that is either being driven in violation of the motor vehicle code or has been the subject of a false statement in the application for its registration. The driving restriction imposed upon the owner of such a vehicle, however, applies to more than just the offending vehicle. The statute specifically prohibits the owner from driving any vehicle owned or controlled by him after his registration has been suspended. In addition to referring to the registration of the owner as opposed to the vehicle, the statute also extends the prohibition against driving to any vehicle owned or controlled by him.

The defendant concedes that evidence was introduced at trial that he had suspended registrations. He also testified at trial, “My registrations - - - every vehicle that I own are registrated [sic] in JAW Contracting, LLC, which is a corporation and company that I own.” Viewing the evidence in the light most favorable to the State, the trial court could have found that the defendant drove a vehicle controlled by him after his registration had been suspended.

The defendant also argues that the trial court’s denial of his request for a continuance was an unsustainable exercise of discretion. To prevail on this claim, he must demonstrate that the ruling resulted in prejudice to his case. State v. Lambert, 147 N.H. 295, 296 (2001). The defendant has failed to set forth any prejudice that resulted from the trial court’s ruling. Accordingly, his claim of error must fail.

Affirmed.

NADEAU, DALIANIS and DUGGAN, JJ., concurred.

**Eileen Fox,
Clerk**